

For Office Use Only
Executive Office of Environmental Affairs
 MEPA Analyst: *Holly Johnson*
 Phone: 617-626-1023

NPC

Notice of Project Change

The information requested on this form must be completed to begin MEPA Review of a NPC in accordance with the provisions of the Massachusetts Environmental Policy Act and its implementing regulations (see 301 CMR 11.10(1)).

Project Name: The Village at Lincoln Park		EOEA #: 13862	
Street: State Road (Route 6)			
Municipality: Dartmouth		Watershed: Buzzards Bay	
Universal Transverse Mercator Coordinates: N 4611612 E 329777 (UTM NAD83)		Latitude: N 41°-38'-17" Longitude: W 71°-02'-36"	
Status of project construction: 0 %complete			
Proponent: Midway Realty, LLC (formerly Lincoln Park Realty, LLC)			
Street: 651 Orchard Street, Suite 220			
Municipality: New Bedford		State: MA	Zip Code: 02744
Name of Contact Person From Whom Copies of this NPC May Be Obtained: Bradley C. McKenzie, P.E.			
Firm/Agency: McKenzie Engineering Group, Inc		Street: 150 Longwater Drive, Suite 101	
Municipality: Norwell		State: MA	Zip Code: 02061
Phone: 781-792-3900	Fax: 781-792-0333	E-mail: bmckenzie@mckeng.com	

In 25 words or less, what is the project change?

This Phase One Waiver Request is to allow the construction of a portion of the commercial component of the project, which includes a total of approximately 24,500 square feet of retail, restaurant and bank.

Date of ENF filing or publication in the Environmental Monitor: Publication – August 23, 2006

Was an EIR required? Yes No; if yes,
 was a Draft EIR filed? Yes (Date:) No
 was a Final EIR filed? Yes (Date:) No
 was a Single EIR filed? Yes (Date:) No

Have other NPCs been filed? Yes (Date(s):) No

If this is a NPC solely for lapse of time (see 301 CMR 11.10(2)) proceed directly to "ATTACHMENTS & SIGNATURES" on page 4.

Not applicable.

PERMITS / FINANCIAL ASSISTANCE / LAND TRANSFER

List or describe all new or modified state permits, financial assistance, or land transfers not previously reviewed: Not Applicable.

Are you requesting a finding that this project change is insignificant? (see 301 CMR 11.10(6))

Yes No; if yes, attach justification.

Are you requesting that a Scope in a previously issued Certificate be rescinded?

Yes No; if yes, attach the Certificate

Are you requesting a change to a Scope in a previously issued Certificate? Yes No; if yes, attach Certificate and describe the change you are requesting:

Summary of Project Size & Environmental Impacts	Previously reviewed (ENF)	Net Change (Not Applicable)	Currently Proposed (Phase One)
LAND			
Total site acreage	40.89		40.89
Acres of land altered (new)	4.5		2.7
Acres of impervious area (new)	19.5		1.9
Square feet of bordering vegetated wetlands alteration	0		297
Square feet of other wetland alteration	0		0
Acres of non-water dependent use of tidelands or waterways	0		0
STRUCTURES			
Gross square footage	500,000		24,500
Number of housing units	307		0
Maximum height (in feet)	45		45
TRANSPORTATION			
Vehicle trips per day	5208		2026
Parking spaces	950		286
WATER/WASTEWATER			
Gallons/day (GPD) of water use	76,500		11,410
GPD water withdrawal	0		0
GPD wastewater generation/ treatment	76,500		11,410
Length of water/sewer mains (in miles)	0.95		0.04

Does the project change involve any new or modified:

1. conversion of public parkland or other Article 97 public natural resources to any purpose not in accordance with Article 97? Yes No

2. release of any conservation restriction, preservation restriction, agricultural preservation restriction, or watershed preservation restriction? Yes No

3. impacts on Estimated Habitat of Rare Species, Vernal Pools, Priority Sites of Rare Species, or Exemplary Natural Communities? Yes No

4. impact on any structure, site or district listed in the State Register of Historic Place or the inventory of Historic and Archaeological Assets of the Commonwealth?

Yes No; if yes, does the project involve any demolition or destruction of any listed or inventoried historic or archaeological resources? Yes No

5. impact upon an Area of Critical Environmental Concern? Yes No
If you answered 'Yes' to any of these 5 questions, explain below:

PROJECT CHANGE DESCRIPTION (attach additional pages as necessary). The project change description should include:

(a) a brief description of the project as most recently reviewed

(b) a description of material changes to the project as previously reviewed,

(c) the significance of the proposed changes, with specific reference to the factors listed 301 CMR 11.10(6), and

(d) measures that the project is taking to avoid damage to the environment or to minimize and mitigate unavoidable environmental impacts. If the change will involve modification of any previously issued Section 61 Finding, include a proposed modification of the Section 61 Finding (or it will be required in a Supplemental EIR).

APPLICATION OF MIDWAY REALTY, LLC FOR PHASE ONE WAIVER FOR A PORTION OF THE COMMERCIAL COMPONENT OF THE VILLAGE AT LINCOLN PARK IN DARTMOUTH, MASSACHUSETTS
(301 CMR 11.11(4))

"The Village at Lincoln Park" is a multi-phased, mixed-use commercial and residential development subject to mandatory EIR review. Midway Realty, LLC ("Midway") submits this application pursuant to 301 CMR 11.11(4) for a Phase One Waiver to allow Midway to proceed with development of a portion of the commercial component (Phase One) of The Village at Lincoln Park development prior to completion of the FEIR for the entire project.

INTRODUCTION

The Village at Lincoln Park

The Village at Lincoln Park project is a multi-phased, mixed-use commercial and residential complex proposed on an approximate 41 acre parcel of land of the former "Lincoln Park" amusement park complex located off State Road (Route 6) in Dartmouth, Massachusetts ("the Project"). The site is generally bounded by State Road (Route 6), American Legion

Highway (Route 177), and commercial properties to the north; Reed Road and residential properties to the south; Beeden Road to the west and commercial and residential properties to the east. Refer to Figure 1 for the Project location (attached hereto as Exhibit 1) and Plan 1 - The Village at Lincoln Park Existing Conditions Plan (the "Existing Conditions Plan") attached hereto as Exhibit 2 for existing site conditions. The site has approximately 20 acres of paved parking lot as well as dilapidated structures and portions of the old amusement rides. It has remained in the abandoned state for several decades.

The proposed development program consists of Phase 1, a portion of the commercial component in the northern portion of the site along Route 6, and Phase 2, the remaining portion of the commercial component and residential components in the central and southern portions of the site. The overall development scheme is depicted on Plan 2 - The Village at Lincoln Park Proposed Conditions Plan (the "Project Plan") attached hereto as Exhibit 3. Phase One of the Project will include an 1,800 square ft. (s.f.) branch bank, a 7,200 s.f. (300 seat) restaurant, a 15,500 s.f. retail building and supporting infrastructure. Phase Two of the Project will consist of the construction of the 15,500 s.f. pharmacy, approximate 10,000 s.f. of commercial building (use currently undetermined), an additional approximate 26,600 s.f. of retail, and a total of 307 dwelling units consisting of a mix of apartments, townhouses and condominiums.

The Project will be permitted and constructed in accordance with Mass. General Law Chapter 40R (Chapter 40R) which is a program that encourages developments on previously developed sites which have existing transportation and utility infrastructures. The goal of Mass General Laws Chapter 40R is to:

"Encourage smart growth and increased housing production in Massachusetts...that emphasizes mixing land uses, increases the availability of affordable housing by creating a range of housing opportunities in neighborhoods, takes advantage of compact design, and fosters distinctive and attractive communities...makes development decisions predictable, fair and cost effective."

The Town of Dartmouth Town Meeting has established the Lincoln Park Smart Growth Overlay District (attached hereto as Exhibit 4) and the proposed Project has been approved by the Massachusetts Department of Housing and Community Development (DHCD).

There has been no material change in the project plans since the filing of the ENF in August 2006. The Secretaries Certificate on the ENF was issued on September 22, 2006, therefore there has been no significant lapse of time since the certificate was issued.

A Portion of the Commercial Component – Phase One

The commercial component in Phase One of the Project will involve the construction and

occupancy of approximately 24,500 square feet of building space located on an approximate 7.0 acre portion of the approximate 41 acre parcel as shown on the Project Plan and located at the northern portion of the site. Phase One will include an 1,800 s.f. branch bank, a 7,200 s.f. (300 seat) restaurant, a 15,500 s.f. retail building and supporting infrastructure. Phase One will be supported by infrastructure consisting of two access drives from Route 6 and associated roadway and intersection improvements, a series of parking lots, utility systems and stormwater management facilities. A total of 286 parking spaces are provided to support the branch bank, restaurant and retail uses proposed for construction under Phase One.

The Residential/Mixed Use Component – Phase Two

Phase Two of the Project is the mixed-use portion of the development consisting of the construction of the 15,500 s.f. pharmacy, approximately 10,000 s.f. of commercial building (use currently undetermined), 26,600 s.f. retail, and a total of 307 dwelling units consisting of a mix of apartments, townhouses and condominiums. The northern portion of the site will consist of 63 apartments, some of which will be located over 26,600 s.f. of retail space located in 2 separate buildings, and some will be located in a free standing apartment building to be located toward the northeast corner of the site. The central portion of the site will consist of 172 dwelling units in buildings, which typically will have two, three, or four units per building. These will be non-age restricted, that is, there will be no age requirement for occupancy. The southern portion of the site will contain eighteen buildings, each of which will have four units for a total of 72 units. These units will be sold as condominiums to persons over the age of 55. Phase Two will have an access drive connected to Phase One and separate access connections to Reed Road and Beeden Road. This phase will also be supported by a series of parking lots, utility systems and stormwater management facilities.

Procedural Status and History of MEPA Review

Midway, under Lincoln Park Realty, LLC, submitted an Environmental Notification Form with the Executive Office of Environmental Affairs MEPA Office for the Village at Lincoln Park in August, 2006. On September 22, 2006 the Secretary of EOEPA determined that the project required the preparation of an Environmental Impact Report and issued an ENF Certificate to that effect (attached hereto as Exhibit 5). Midway expects to file a Draft Environmental Impact Report (DEIR) by the end of November, 2007.

Pursuant to the ENF Certificate, the entire project is subject to a mandatory EIR because it will generate 3,000 or more new vehicle trips per day (301 CMR 11.03(6)(a)(6)). The project also will involve the construction of a sewer main of ½ or more miles in length (301 CMR

11.03(5)(b)(3)(c)) and the creation of more than five acres of new impervious area (301 CMR 11.03(1)(b)(2), both of which are ENF thresholds under the MEPA regulations.

Summary

As will be discussed hereafter, Phase One is a severable, stand alone part of the Project. The Town of Dartmouth Town Meeting has already established the Lincoln Park Smart Growth Overlay District and the proposed development has been approved by the Massachusetts Department of Housing and Community Development (DHCD).

The Dartmouth Conservation Commission (DCC) issued a positive Determination of Applicability for the approval of the boundaries of local and state wetland resources for the entire project on December 22, 2004 (attached hereto as Exhibit 6). The entire development will require site plan approval from the Dartmouth Plan Approval Authority (DPAA), an Order of Conditions from the DCC, a Massachusetts Highway Department (MassHighway) State Highway Access Permit for access to Route 6 and a Sewer Extension Permit from the Department of Environmental Protection (MassDEP) for wastewater discharges. The Project must also comply with the National Pollutant Discharge Elimination System (NPDES) General Permit from the U.S. Environmental Protection Agency (US EPA) for stormwater discharges from a construction site of over one acre.

Sufficient and satisfactory infrastructure facilities will exist to support Phase One. The potential environmental impacts from Phase One, taken alone are insignificant. Without the requested MEPA Waiver, the Applicant will suffer substantial, undue and unnecessary hardship.

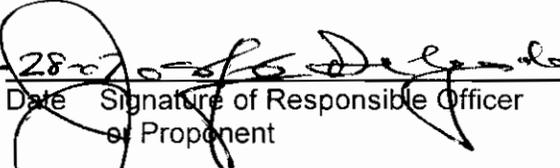
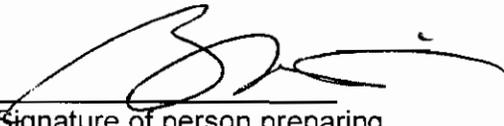
Provided that a Phase One Waiver is granted by the MEPA Office, construction of Phase One of the Project is expected to commence immediately upon completion of site plan review by the DPAA, receipt of an Order of Conditions from the DCC, receipt of a State Highway Access Permit and the filing of a Notice of Intent under NPDES. The estimated time of construction is 26 weeks at a total construction cost of approximately 3 million dollars. Construction is expected to commence in the fall of 2007 with occupancy anticipated in early 2008. The estimated construction cost for the entire Project is 75 million dollars.

ATTACHMENTS & SIGNATURES

Attachments:

1. Secretary's most recent Certificate on this project
2. Plan showing most recent previously-reviewed proposed build condition
3. Plan showing currently proposed build condition
4. Original U.S.G.S. map or good quality color copy (8-1/2 x 11 inches or larger) indicating the project location and boundaries
5. List of all agencies and persons to whom the proponent circulated the NPC, in accordance with 301 CMR 11.10(7)

Signatures:

<u>8-28-07</u>		<u>8-28-07</u>	
Date	Signature of Responsible Officer or Proponent	Date	Signature of person preparing NPC (if different from above)

Joseph Delgado
Name (print or type)

Bradley C. McKenzie, P. E.
Name (print or type)

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Firm/Agency

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